



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
MEETING DATE: September 28, 1988
AGENDA TITLE: Approve C-Drainage Basin Redesign, Southeast Corner of Vine Street and Beckman Road

RECOMMENDED ACTION: That the City Council, after receiving the staff report and comments from the property owners involved, determine the appropriateness of the redesign of the C-Basin and provide staff with direction on how to proceed.

BACKGROUND INFORMATION: At the request of Daryl Geweke, the City has redesigned the C-Drainage Basin Park. The cost of the redesign work was paid for by Mr. Geweke. The new drainage basin park design provides for similar recreational activities and facilities as the existing plan and it has been approved by the Parks and Recreation Commission.

The major conceptual change in the redesign is in providing a 500-foot setback from Beckman Road to any additional land needed for basin expansion. The setback on the existing plan is 200 feet. The total number of acres in the proposed redesign plan is 0.795 acres less than the existing approved plan. However, as part of the redesign it was necessary to expand the park site to the east and provide a deeper basin. The expansion to the east involves a new property owner, Briggs-Parker. The additional land needed for the redesign and the existing plan is shown below and on the attached Exhibit A.

Property Owner	Additional Land Required - Acres	
	Existing Plan	Redesign
Kettelman	10.000 Ac.	5.078 Ac.
Briggs-Parker	None	4.127 Ac.
Total	10.000 Ac.	9.205 Ac.
Difference		0.795 Ac.

Attached as Exhibit B is a letter dated August 23, 1988 sent to Daryl Geweke outlining the difference in the costs of the two park basin designs.

APPROVED:


THOMAS A. PETERSON, City Manager

FILE NO.

N. A. HAWKINS (1856-1940)
J. W. HAWKINS (1880-1959)
LEWIS N. HAWKINS
JARED W. HAWKINS, JR.

HAWKINS & HAWKINS

ATTORNEYS AT LAW
1119-12TH STREET
SUITE NO. 1
MODESTO, CALIFORNIA 95354

Exhibit C

TELEPHONE
529-1660

September 14, 1985

Jack L. Ronsko
Public Works Director
City of Lodi
Box 3006
Loai, California 95241-1910

RECEIVED

SEP 14 1988

CITY OF LODI

Gentlemen:

A copy is enclosed of your letter of August 23, 1988 addressed to Daryl Geweke, re a "C - Drainage Basin Redesign" which proposes to shift a taking of property from the Geweke land over onto property owned by my clients the Briggs family and Mildred Briggs Parker.

The Briggs-Parker land has been in their family for more than a hundred years and by them is affectionately called Pixley Park after their forefather who owned the land. Lt. James Russell Briggs was a captain of a wagon train. In California he rented land from Captain Weber of Stockton before buying his own land, and ran freight from Stockton to the Southern Mines, Angels Camp, Sonora and Mariposa. His daughter, Mary Briggs married Rueben Pixley. Thus the Briggs and Pixley families were joined. Lt. Briggs assisted Rueben Pixley in selecting the land adjacent to the present Geweke property.

At the outbreak of the Civil' War, Rueben Pixley volunteered in a California brigade which marched East to protect the freight, communication lines and Nevada mines from threatened or feared raids. Rueben and Mary Pixley built a two story mansion near the intersection of Kettleman Road and what will become the extention of Myrtle Avenue.

They were the parents of Ora Whitaker, cousin of the present co-owner Mildred Parker and cousin of the Briggs owners. From the deceased Ora Pixley Whitaker, an interest in the property descended to the present Russell Briggs of Modesto, and through him to James Russell Briggs and other members of the Briggs family. The other 2/3 interest descended from Ora Pixley Whitaker to the present Mildred Briggs Parker.

The parcel is referred to in the family as "Pixley Park" because of the beauty of the ancient gnarled grapes planted on the property.

Rueben Pixley planted the first Tokav vineyard in that area in 1858, and planted the Zinfadel grapes in 1900, so they are a monsterously large and picturesquely beautiful.

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IMPROVED DUE TO THE
CONDITION OF THE ORIGINAL

Mr. Jack L. Ronsko
September 14, 1988 - Page 2
Briggs/Parker/Geweke

The straight in logical place for access to the C Drainage basin is over the Geweke land. But Mr. Geweke apparently would prefer to save his frontage and only use his land in the *back*, and to shove the frontage over onto the Pixley Park property to the detriment of the Briggs and Mildred Parker.

The Pixley Park property with the frontage is worth more per acre than the Geweke land in the back. Also, this proposed taking creates a severance problem in that there would be an irrigation and cultivation problem in the back of the Pixley Park where there is a small south end rectangle created of about 178 + feet by 200 + feet. (This rectangle is shown on Exhibit A) (Our calcs shown parcel is 178' x 210' ±)

As a package, we propose the following:

1. Mr. Geweke purchase the South end small rectangle at the rate of \$26,260.00 an acre or such large sum per acre that he may receive from the City of Lodi, or

2. In the alternative, pay Briggs and Parker \$15,000.00 severance damage, and they will keep the rectangle.

3. If Mr. Geweke purchases, then he shall do all engineering, parcel splits, and title work, escrow and other costs of conveyance at his expense. The purchase price is net to us.

4. We will then sell, frontage and **all** to the City of Eodi at the \$26,260.00 an acre or such greater sum per acre as Mr. Geweke may receive;


5. Provided, however, that the park be named "Rueben and Mary Pixley Park."

If the park is so **named** the **family** anticipates working with the City in the design of some appropriate small roofed structure as is often found in state **parks**, exhibits and directory, which can be financed by the family.

Thank you.

Yours very truly,

HAWKINS & HAWKINS


LEWIS N. HAWKIN

LNH/bjs

The agreement that we presently have with Mr. Geweke is that he would pay for the redesigning of the basin plan which would meet his needs with respect to frontage depth on Beckman Road. Then, once the total additional costs were known, he would then either ask the City Council to approve the redesign or keep the existing plan in place. If he asks the City Council to approve the redesign, he would commit to paying all the additional costs. Mr. Geweke, most likely, will not be in a position to ask the City Council to approve the redesigned plan without knowing the full costs.

One of the unknowns is what Briggs-Parker will accept for their land. These property owners are currently represented by Jim Jacobson of Sturman, Jacobson, Arbios Properties. I contacted Jim Jacobson last week and determined the property was on the market, however, he could not tell me whether or not the property owners would accept the same per acre price that the City agreed to pay the Kettelmanns. Mr. Jacobson also indicated that Briggs-Parker were in the process of obtaining legal counsel.

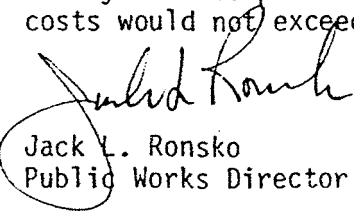
Monday, the City received a letter from the attorney representing Briggs-Parker. This letter is attached as Exhibit C. The City Attorney is contacting all the attorneys involved and will try to bring to the City Council meeting a solution agreeable to all parties.

There appear to be three options available at this point, each with its own risks. First, the Council can do nothing and allow the issues of the value and size of the land to be acquired from the Briggs-Parker interests to be resolved. This would result in probable increased costs to everyone as the land appreciates in value. It would also probably not be to the advantage of the Kettelmanns, who are desirous of selling their property as soon as possible.

Second, the City could build the original plan by acquiring the Kettelmann property (possibly via eminent domain in order to avoid problems with Mr. Geweke's option). This would not accommodate Mr. Geweke's needs and it appears the Parks and Recreation staff would prefer the redesigned plan.

Third, the City could go forward with acquisition of the Briggs-Parker property (assuming the present owner will sell prior to obtaining further appraisals). This would satisfy Mr. Geweke's needs. If Mr. Geweke is willing to accept responsibility for the increased costs, this would present the optimal scenario. However, if the Briggs-Parker owners are hesitant, it may be dangerous for the City to begin eminent domain proceedings, since the appraised value still has not been established.

It may also be possible to reach an agreement with Mr. Geweke that his extra costs would not exceed a certain figure.



Jack L. Ronsko
Public Works Director

JLR/mt

Attachments

cc: City Attorney
Parks & Recreation Director
Daryl Geweke
Orrin & Gertrude Kettelmann

Bob Elliott
Gerald Sperry
Lewis Hawkins
Jim Jacobson

E - P. M.	BA	P ₁
D - P. M.	BA	P ₂
C - P. M.	BA	P ₃
B - R. S.	BA	P ₄
A - P. M.	BA	P ₅

SEE 049-10

CENTRAL

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KETTLEMAN

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
EVELYN M. OLSON
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER (209) 333-6795

Exhibit B

ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

August 23, 1988

Daryl Geweke
Geweke Properties
P.O. Box 1210
Lodi, CA 95241

SUBJECT: C-Drainage Basin Redesign

The C-Drainage Basin redesign has been approved by the Parks and Recreation Commission and has been transmitted to the parties involved for comments. We have received no negative comments on the redesign and we will be presenting this redesign to the City Council for its review next month.

The new land acquisition requirements are shown on the attached map. The new acreage requirements are .795 acres less than the original design.

However, prior to the Council approving the redesign project, we feel that we should be providing them with your decision on committing to the additional costs, in addition to actual redesign costs, of this new plan. Listed below are the additional costs associated with the new C-Basin layout.

Park development	\$30,000
Street work	16,000
Fencing	3,700
Utilities reimbursement	
Wastewater	1,739
Water	1,760
Land .795 acre X \$26,260/acre	<u>(-) 20,877</u>
Subtotal	\$32,322

The proposed layout requires acquisition of land from an additional property owner. IF the new property owner will not accept the same price per acre that has been offered to the Kettlemans, the following additional costs will be applicable:

1. New appraisal, title reports, etc. (approximately 52,700);
2. Difference in land acreage costs; and
3. Acquisition agent costs.

Daryl Geweke
August 23, 1988
Page 2

Other minor additional unknown costs would include:

1. Additional monument surveying; and
2. Increased costs of record of survey.



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Public Works Director

JLR/mt

Enclosure

cc: City Attorney
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Gerald A. Sperry, Attorney at Law
Orrin D. Kettelman
Bob Elliott, Attorney at Law
Jim Jacobson

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ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

September 21, 1988

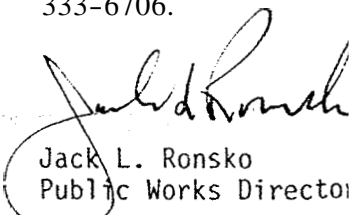
SUBJECT: C-Drainage Basin Redesign, Southeast Corner of Vine Street
and Beckman Road

Dear Property Owner/Resident:

Enclosed is a copy of background information on an item that will be discussed at the City Council meeting on Wednesday, September 28, 1988, at 7:30 p.m. The meeting will be held in the City Council Chamber, 2nd Floor, City Hall, 221 West Pine Street. You are welcome to attend.

If you wish to comment on this item at the meeting, please contact Alice Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item, please call me at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/mt

Enclosure

cc: City Clerk

MEMORANDUM, City of Lodi, Public Works Department

SEP 22 '88
City Manager's Office

TO: City Manager
City Attorney

FROM: Public Works Director

DATE: September 21, 1988

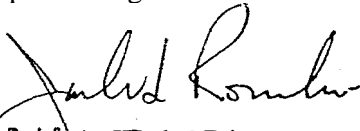
SUBJECT: C-Drainage Basin Redesign Costs

It was brought to our attention that there may be an error in the cost of fencing under the attached cost comparison prepared by the City's landscape architect. In conferring with our architect, it was confirmed that there was an error in the estimate. This changes the difference in the two park plans from 930,000 to \$13,000.

Attached is a copy of the revised estimate for park development. Also attached is a revised copy of our August 23, 1988 letter to Daryl Geweke which totaled the difference in costs of the two plans. This modification changes the difference from \$32,322 to the new total of \$15,322. These figures are based on all property involved selling for \$26,260 per acre.

Upon the completion of the revised plan and grading plan by Richard Bigler, he will have spent all of the redesign funds originally provided by Geweke. Therefore, there will be no reimbursement from the \$7,000 paid by Geweke to the City for redesign.

It should be noted that staff, i.e., Public Works Director, Parks and Recreation Director, City Attorney, Engineering and Parks and Recreation personnel, have not charged any of their time to this redesign project. Unless we are directed to do so, we will be donating this time to providing for a workable compromise in the C-Basin park layout.


Public Works Director
Public Works Director

JLR/mt

Attachments

cc: Parks & Recreation Director
Daryl Geweke
Orrin & Gertrude Kettelman
Gerald Sperry
Bob Elliott
Lewis Hawkins
Jim Jacobson

MCM87/TXTW.02M

COST COMPARISON, SOLUTION 1 AND 2
"C" BASIN PARK
CITY OF LODI, CALIF.,

The following Masterplan estimates are done without benefit of construction documents and are subject to revision. The following cost do not include the following"

Street and sidewalk improvements.

Fire hydrants

Site grading

Perimeter fences

Water & electric supply

Pumping plant

NEW

ITEM	QTY	ITEM	PLAN 1	QTY	PLAN 2
1.	27.5	ACRES OF LAND	NC	29.6	NC
2.	1	REC. BLDG	150,000		150,000
3.	1	MOTHER SHELTER	12,000		12,000
4.	1	GROUP SHELTER	87,000		87,000
5.	1	PLAY GROUND AREA	6,000		6,000
6.	MISS.	PLAY EQUIPMENT	30,000		30,000
7.	2,600 sq>ft	SOCCER BLEACHER	26,000		26,000
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11.	2	SOFTBALL AREA TOTALS	60,000		60,000
12.	1	SOCCER EQUIPMENT	5,000		5,000
13.	64,000 sq>ft>	PARKING & ASPHALT	160,000	81,000'	203,000 *
14.	LS 4,800	FIRE ROAD GRADING	5,000	34,000	5,000
15.	4,500 lin>ft	CHAIN LINK FENCING	22,000	5,000'	40,000 *
16.	10	PICNIC BAR, B.O	5,000		5,000
17.	27,000 sq>ft>	CONC. WALKS	49,000	19,000'	35,000 *
18.	19,000 sq>ft>	AIR STIP	33,000		33,000
19.	LS	BLDG AREA LANDSCAPE	30,000		30,000
20.	12 ACRES	TURF AND IRRIGATION	160,000	13-5	162,000 *
21.	14 ACRES	NATURE AREA DEVELOP.	56,000	10.5	42,000 it *
22.	LS	TREES AND SHRUBS	15,000		10,000
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TOTALS			1,150,000		1,188,000
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* AREAS OF COST DIFFERENCES.

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THE MAINTENANCE AREA AND BASKETBALL COSTS WERE NOT FACTORED IN AS THEY ARE ADDITIONS TO THE PARK DESIGN NOT CONSIDERED IN THE ORIGINAL CONCEPT. COST DIFFERENCES ARE REFLECTED IN THE FOLLOWING:

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CITY COUNCIL

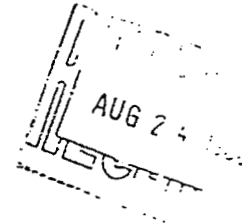
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Park development	13.00
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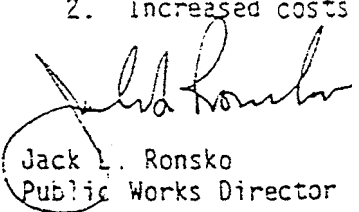
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Daryl Geweke
August 23, 1988
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Other minor additional unknown costs would include:

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Jack L. Ronsko
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Enclosure

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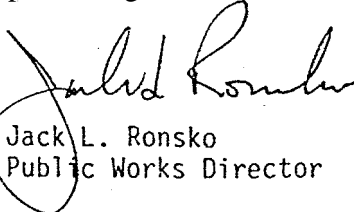
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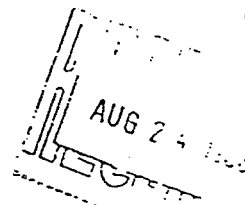
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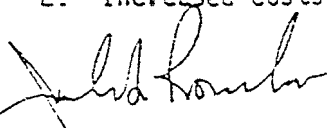
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2. Increased costs of record of survey.



Jack L. Ronsko
Public Works Director

JLR/mt

Enclosure

cc: City Attorney
Parks & Recreation Director
Gerald A. Sperry, Attorney at Law
Orrin D. Kettelman
Bob Elliott, Attorney at Law
Jim Jacobson